



Memorandum to: Development Services Committee

Date: August 15, 2018

TO: Development Services Committee

FROM: Ron Blake, MCIP, RPP
Senior Development Manager

SUBJECT: Information Memorandum
King Square Limited
Revised Official Plan and Zoning By-law Amendment
applications to permit a mixed-use residential, retail and hotel
development on the lands located on the north side of
Markland Street and west of Woodbine Avenue,
Files: OP/ZA 14 129350

PREPARED BY: Amanda Crompton, Ext. 2621
Planner II

RECOMMENDATION:

- 1) THAT the memorandum dated September 4, 2018 titled "Information Memorandum, King Square Limited, Revised Official Plan and Zoning By-law Amendment applications to permit a mixed-use residential, retail and hotel development on the lands located on the north side of Markland Street and west of Woodbine Avenue, Files: OP/ZA 14 129350" be received.

PURPOSE:

This memorandum provides preliminary information on the recent resubmission by King Square Limited for Official Plan and Zoning By-law Amendments to permit a mixed-use residential, retail and hotel development on the subject lands. This memorandum contains general information regarding applicable Official Plan policies and issues identified during a preliminary review of the proposed development, and should not be taken as Staff's opinion or recommendation on the applications.

BACKGROUND:

Property and Area Context

The approximately 2.55 ha (6.3 ac) subject lands are located on the north side of Markland Street and west of Woodbine Avenue (see Figure 1 and 2).

Surrounding land uses include:

- A low-density residential subdivision and stormwater management pond are located immediately north of the subject lands.
- Phase 1 of the King Square Ltd. development abuts the subject site to the immediate east. Phase 1 consists of a mixed-use retail, commercial and office building located at the northwest corner of Woodbine Avenue and Markland Street. Construction of Phase 1 is nearing completion. Ashton Meadows Park is located on the east side of Woodbine Avenue.
- Vacant lands are located to the south and southwest of the subject lands across Markland Street. These lands include vacant lands zoned for Industrial and

Commercial uses and the former Markham Golf and Country Club. Buttonville Municipal Airport is located south of 16th Avenue.

- A 70-unit condominium townhouse development is proposed for the lands immediately abutting the subject lands to the west. Office and warehouse uses are located along the west side of Markland Street.

Application History

Applications for Official Plan and Zoning By-law Amendments were submitted to the City of Markham in December 2014. At the time, the proposal consisted of:

- A 2-storey retail building;
- A mixed-use building with a 7-storey hotel component and 25-storey residential tower; and,
- A residential building with a 17-storey tower and a 20-storey tower connected by a 6-storey podium.

The proposed development also included an underground parking garage, an at-grade civic space and an internal courtyard. Table 1, attached to this report as Appendix 'A', provides a comparison of what was proposed in the first submission received in 2014, with what is proposed in the second submission received in 2018.

A Statutory Public Meeting was held on February 17, 2015 to obtain input on the Official Plan and Zoning By-law Amendment applications submitted by King Square Ltd. A Preliminary Report was received by Development Services Committee on March 3, 2015.

Given that several years have passed since the first Public Meeting was held, and since some significant revisions are now proposed, it is Staff's opinion that a second public meeting is warranted prior to making a recommendation on the revised proposal.

Revised Proposal

In June, 2018, the applicant submitted revised applications to amend the 2014 Markham Official Plan (as partially approved on November 24, 2017 and further updated April 9, 2018) as well as Zoning By-law 165-80, as amended. The draft Official Plan and draft Zoning By-law Amendments, as prepared by the applicant and to be further review by City Staff, are attached to this report as Appendix 'C' and Appendix 'D'. Approval of the Official Plan and Zoning By-law Amendments would permit Phases 2, 3 and 4, as detailed below and illustrated in the Context Plan (see Figure 4):

- Phase 2 consists of three residential buildings ranging in height from 6 to 12-storeys and totaling 347 units. It is anticipated that a formal site plan application for Phase 2 will be submitted in Fall 2018.
- Phase 3 consists of a mixed-use building with a 7-storey hotel component and 30-storey residential tower, totaling 150 hotel suites and 230 residential units. Phase 3 also includes the provision of an outdoor civic space.
- Phase 4 consists of a 25-storey tower and a 29-storey tower connected by a 6-storey podium and totaling 570 units. Commercial/ service retail is provided at-grade.

Table 2, attached to this report as Appendix 'B', provides a summary of the revised proposal.

It is important to note that the buildings proposed in Phases 3 and 4 exceed the Buttonville Airport Height Restrictions currently in effect on the site. The proposed Zoning By-law includes Holding Provisions which are intended to establish a phasing strategy and coordinate development of high-rise towers with the release of the current height restrictions.

Official Plan

The 2014 Official Plan designates the subject lands 'Commercial' and 'Deferral Area' as per Map 3 – Land Use, and identifies the lands as being subject to site specific policy 9.4.7.

The 'Deferral Area' overlay indicates that the 'Commercial' designation for the subject lands is deferred, and that the provisions of the 1987 Official Plan apply to the lands. The subject lands were one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the 2014 Official Plan. In accordance with Council direction, the deferral is to remain in place until a decision on the Official Plan Amendment is made. The 1987 Official Plan, as amended, designates the subject lands 'Industrial' as per Appendix A – Land Use, and more specifically 'Business Corridor Area' as per Appendix H – Commercial/Industrial Categories.

Site specific policy 9.4.7 of the 2014 Official Plan requires that a designation other than 'Commercial' on the subject lands conforms to the policies of the Growth Plan for the Greater Golden Horseshoe, and all other policies of the 2014 Official Plan, including the following specific criteria prescribed by Council:

- Compatibility to adjacent land use;
- Achieving an increase in the number of jobs that would otherwise be provided under the 'Employment Lands' designation on the site, or at a minimum, no net reduction in jobs on the site;
- Proximity to transit;
- Provision of lands for a VIVA terminal;
- Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces; and
- Where the location is appropriate, provide for affordable or seniors housing.

The Official Plan Amendment application seeks to redesignate the subject lands 'Mixed Use High Rise' and revise the text of site specific policy 9.4.7.

Zoning

The subject lands are zoned 'Select Industrial with Limited Commercial (M.C.) 170% (H)' by By-law 165-80, as amended (see Figure 3). The proposed uses are not permitted under the current zoning designation. The Zoning By-law Amendment application seeks to rezone the subject lands 'Community Amenity One (CA1)' with site-specific provisions related to land uses, height, floor area, separation distances, number of

residential units and hotel suites, and parking. The proposed Zoning By-law also incorporates Holding Provisions to align with development phasing and conformity with the Buttonville Airport height limits. The 'H' Holding Zone Provision may be lifted if the Buttonville Airport Zoning Regulations have been repealed or the height restriction applicable to the subject lands is no longer in force and effect.

OPTIONS/ DISCUSSION:

The following is a brief summary of key matters raised to date during the circulation of the applications to City Departments and public agencies. Other matters may be identified through the detailed review of the proposal.

Site Layout and Compatibility

Staff have advised the applicant of the following site layout and compatibility concerns:

- Building height transitions and built form compatibility with the existing low-density residential community to the north;
- Shadowing effects on the following: the existing low-density residential community to the north, the proposed/existing outdoor amenity spaces and the streets;
- The relationship between the street and buildings in Phases 3 and 4.

Lost Employment

The proposal for a mixed-use residential, retail and hotel development may result in a net loss of potential jobs that would possibly be provided under the 'Commercial' lands designation on the site. Phases 3 and 4 will create jobs through the provision of a hotel and at-grade commercial/service retail.

It should be noted that Phase 1 of the King Square Ltd. development, which directly abuts the subject lands to the east, consists of approximately 31,900m² (343,369ft²) of mixed-use development containing a trade and convention centre, office, retail and restaurant uses.

Proximity to Transit

The subject site will have access to transit service (VIVA) along Markland Street and is also in close proximity to transit service along Woodbine Avenue.

Transportation and Servicing Impacts

City Staff have received a Transportation Impact Assessment, Site Servicing and Grading Plans and Functional Servicing Study in support of the proposal, which are currently under review. Key matters to be addressed in this review include phasing and timing of construction of Phases 2, 3 and 4, and coordination of new servicing and transportation infrastructure to support each phase of the development.

Required Parking

The proposed Phase 2, 3 and 4 development is on a portion of the site that is presently used to provide required Phase 1 parking. City Staff have asked for details about how required parking will be provided for Phase 1 during the construction of Phases 2, 3 and

4. As detailed in the Transportation Impact Assessment completed by WSP, there is a proposed interim parking shortage of 216 spaces during Phase 2 construction.

Provision of Seniors Housing

Phase 4 of the development, which proposes the construction of 25-and-29-storey towers connected by a 6-storey podium, includes the provision of 190 retirement units.

Site Plan Application

The applicant has indicated that a formal site plan application for Phase 2 will be submitted in Fall 2018.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications are being evaluated to determine conformity with the City's strategic priorities including growth management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies for their review and comment.

RECOMMENDED BY:



Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning and Urban Design

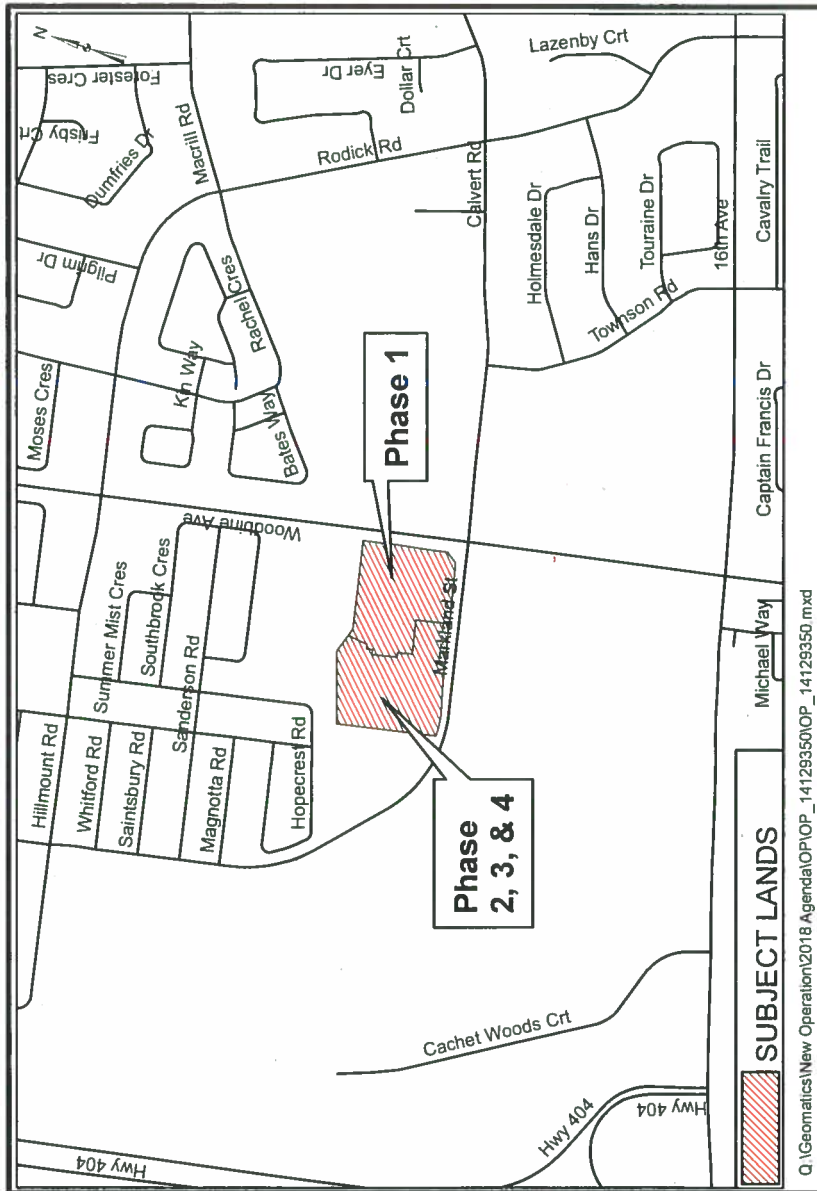


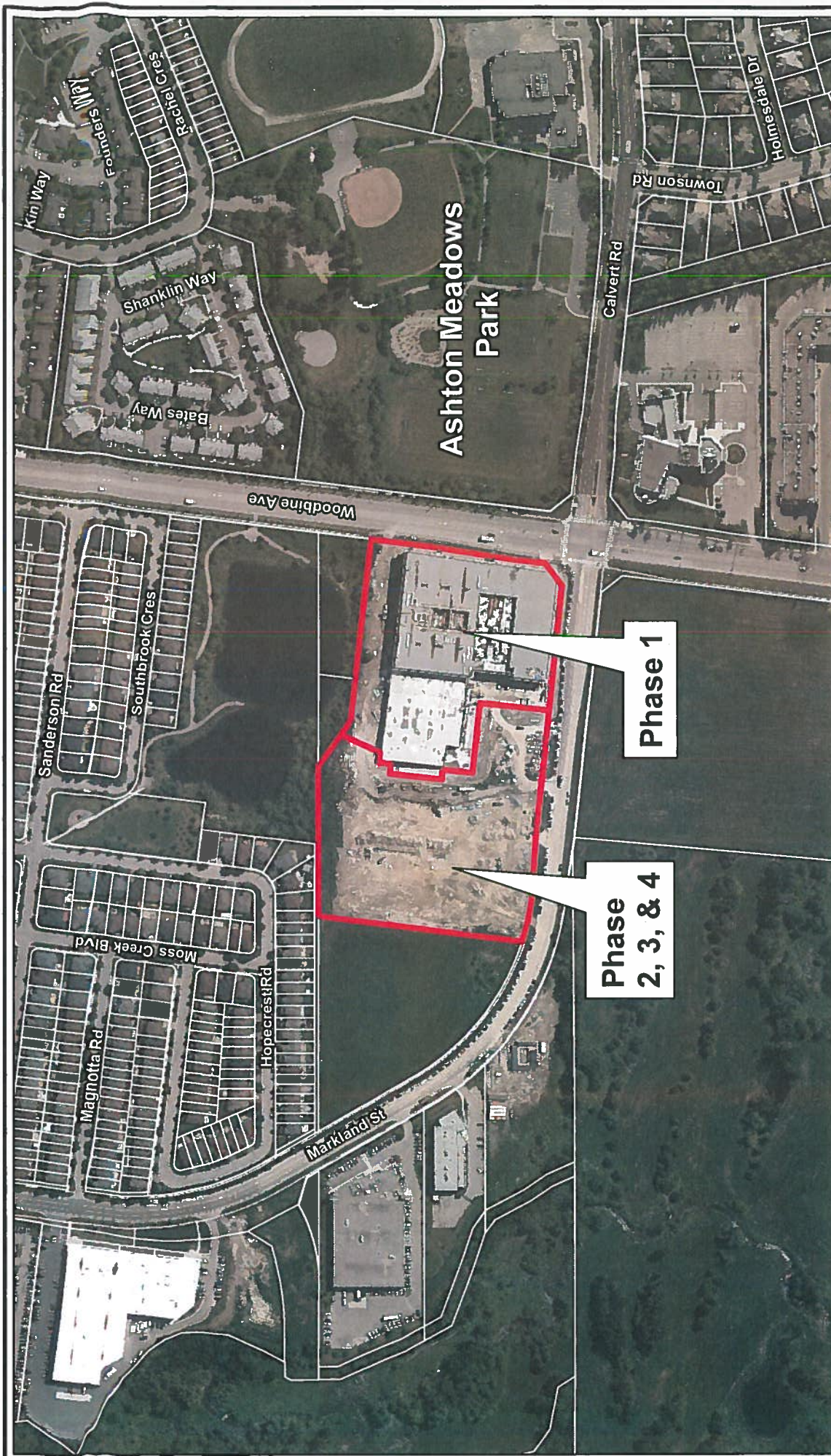
Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

| | |
|--------------------------------|--|
| Figure 1: Location Map | Appendix A: Table 1: Application Comparison Table |
| Figure 2: Aerial Photograph | Appendix B: Table 2: Summary of Proposed Development |
| Figure 3: Area Context/ Zoning | Appendix C: Draft Official Plan Amendment |
| Figure 4: Context Plan | Appendix D: Draft Zoning By-law Amendment |

File path: Amanda\File 14 129350\Documents\Recommendation Report





AIR PHOTO

APPLICANT: KING SQUARE LTD
9390 WOODBINE AVENUE

FILE No. OP_14129350 (AC)

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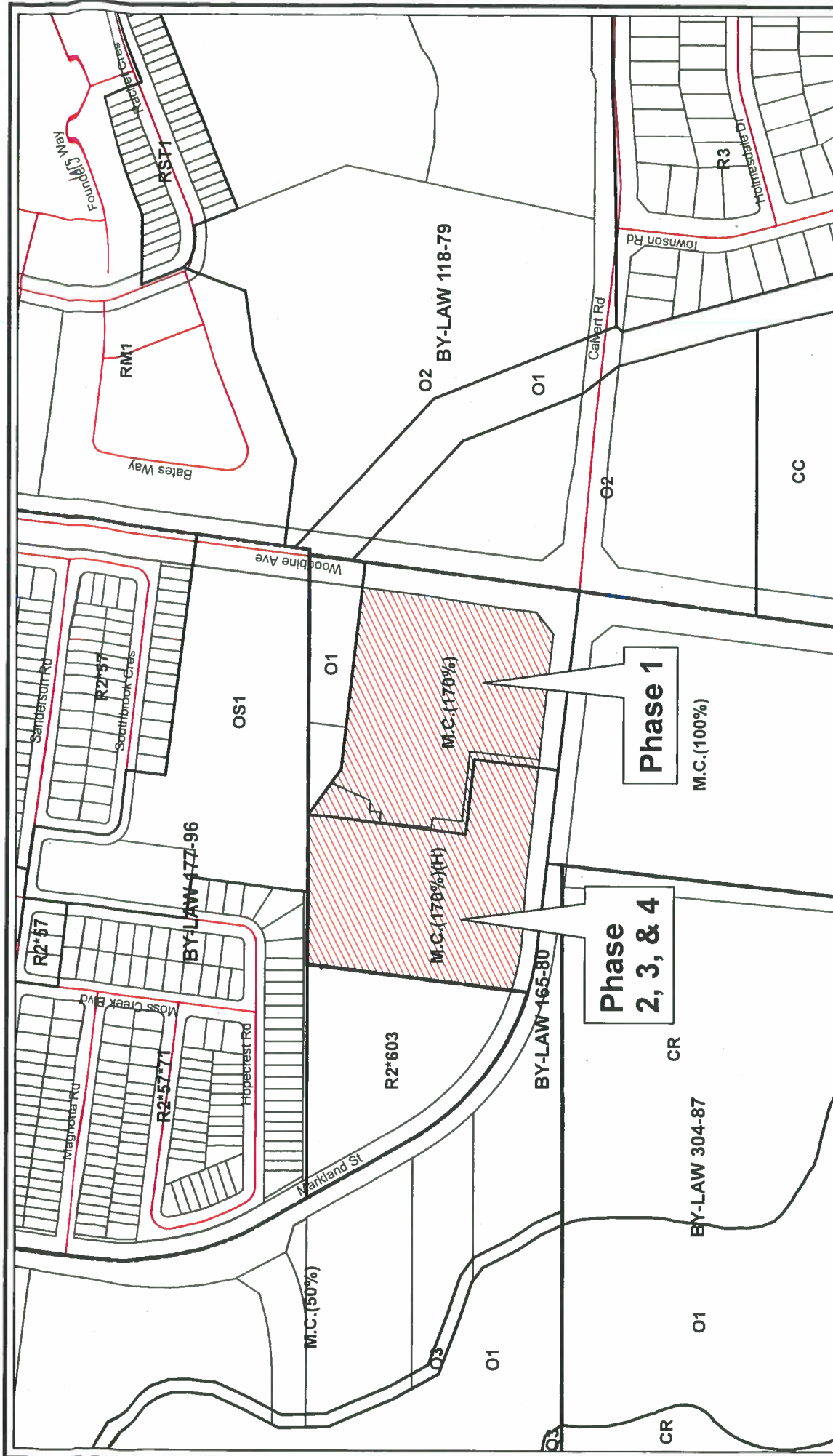
 SUBJECT LANDS

Date: 16/08/2018

Checked By: AC

Drawn By: LW

FIGURE No. 2



AREA CONTEXT / ZONING

APPLICANT: KING SQUARE LTD
9390 WOODBINE AVENUE

FILE No. OP_14129350 (AC)

 SUBJECT LANDS

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DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: AC

Date: 31/07/2018

FIGURE No. 3

APPENDIX A
TABLE 1: APPLICATION COMPARISON TABLE

| | OPA and ZA Submitted in 2014 (1st Submission) | OPA and ZA Submitted in 2018 (2nd Submission) |
|--|--|--|
| Phase 2 | 2-storey commercial building | 3 condominium buildings ranging in height from 6-storeys to 12-storeys (347 units & 862 parking spaces) Landscaped opened space at-grade |
| Phase 3 | Mixed-use residential and hotel building with 7-storey hotel component (148 hotel suites) and 25-storey residential component (182 units) Civic space located immediately east of 25-storey residential component | Mixed-use residential and hotel building with 7-storey hotel component (150 hotel suites) and 30-storey residential component (230 units & 182 parking spaces) Civic space located immediately west of mixed-use hotel and residential building |
| Phase 4 | Residential building with 17-and-20-storey towers connected by a 6-storey podium (353 units) | Residential building with 25-and-29-storey towers connected by a 6-storey podium (570 units & 354 parking spaces) Commercial/service retail at-grade |
| Total Units/ Suites | 535 Residential Units 148 Hotel Suites | 1,147 Residential Units 150 Hotel Suites |
| Total Parking Spaces | 1,200 | 1,398 |
| Total Residential Floor Area | 48,864 m² (525,968 ft²) | 97,736 m² (1,052,022 ft²) |
| Total Non- Residential Floor Area | 23,084 m² (248,474 ft²) | 10,400 m² (111,945 ft²) |

APPENDIX B
TABLE 2: SUMMARY OF PROPOSED DEVELOPMENT

| | Land Use | Building Height | Floor Area | Units/ suites | Parking |
|---------|---|-----------------|--|--------------------------------------|---------|
| Phase 2 | Residential Buildings | 6-storeys | 8,900 m ² (95,805 ft ²) | 89 res. units | 862 |
| | | 8-storeys | 11,130 m ² (119,810 ft ²) | 105 res. units | |
| | | 12-storeys | 14,956 m ² (160,995 ft ²) | 153 res. units | |
| Phase 3 | Mixed-use building | 7-storeys | 8,938 m ² (96,122 ft ²) | 150 hotel suites | 182 |
| | | 30-storeys | 18,520 m ² (199,434 ft ²) | 230 res. units | |
| Phase 4 | Residential Buildings | 25-storeys | 44,230 m ² (476,088 ft ²) residential | 75 res. units 190 senior units | 354 |
| | | 29-storeys | 1,462 m ² (15,737 ft ²) non-res. | 305 res. units | |
| Total | Mixed use residential, retail and hotel | N/A | 108,136m ² (1,163,966ft ²) | 1,147 res. units 150 hotel suites | 1,398 |



OP/ZA 14-129350

**APPENDIX C
DRAFT OFFICIAL PLAN AMENDMENT**

(As prepared by the applicant and to be further reviewed by City Staff)

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**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX**

To amend the Official Plan (2014)

(King Square Ltd.)

(June 20, 2018)

OFFICIAL PLAN

DRAFT

of the

MARKHAM PLANNING AREA

AMENDMENT NO. XXX

This Official Plan Amendment was adopted by the Corporation of the City of Markham by By-law No. 2018-____ in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended, on the ____ day of _____, 2018

Mayor

City Clerk

DRAFT

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. 2018-____

Being a by-law to adopt Amendment No. XXX
to the City of Markham Official Plan (2014)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN
ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O. 1990
HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (2014),
attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final
passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ DAY OF
_____, 2018.

CITY CLERK

MAYOR

DRAFT

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PART I – INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I – INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE AMENDMENT constitutes Official Plan Amendment No. XXX to the Official Plan (2014). Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment to the Official Plan (2014) applies to Block 2, Plan 65M-3925 (Phase 2), located on the north side of Markland Street, east of Woodbine Avenue in the City of Markham, municipally known as 9390 Woodbine Avenue.

3.0 PURPOSE

The purpose of this Amendment is to redesignate the lands from Commercial designation of the Official Plan (2014) to Mixed Use High Rise. The amendment will provide for a mixed-use development that will include residential uses ranging from 4- to 12-storeys in the northern quadrant of the site (Phase 2), a 30-storey residential building with a 7-storey hotel component (Phase 3) and two residential buildings of 25 and 29 storeys, connected by a 6-storey podium (Phase 4). As part of the development an outdoor civic space is proposed as well as retail uses at-grade within Phase 3.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

On June 23, 2009, Town of Markham Council adopted Official Plan Amendment No. 181, which subsequently received Regional approval on August 12, 2009. The Official Plan Amendment redesignated the western portion of the property (Phase 2) from Business Park Area to Business Corridor Area, while allowing an increase in density from 1.0 FSI to 1.8 FSI for Phase 1 and subsequent phases.

As part of the City of Markham's Municipal Comprehensive Review, the site was identified for employment land conversion to allow for a future mixed-use development. An Area Specific Policy has been placed on the site under the new Official Plan (2014). The basis for this Amendment is to implement the intensification and transit-supportive policies of the Provincial Policy Statement, the Greater Golden Horseshoe Growth Plan, the Region of York Official Plan and the City of Markham Official Plan (2014).

The proposed development provides for a mixed-use project comprised of a series of residential buildings ranging in height from 4 to 12 storeys in the northern quadrant of the site (Phase 2), a 30-storey residential building with a 7-storey hotel component (Phase 3) and two residential buildings of 25 and 29 storeys, connected by a 6-storey podium (Phase 4). A large open space/civic space is proposed with frontage on Markland Street and landscaped open space is disbursed throughout the site. At-grade retail uses are provided in Phase 4.

The proposed development implements the policies of the Provincial, Regional and Municipal plans by providing intensification on a vacant site within the built-up area which is supported by transit, strengthening the attractiveness of the area by providing a mix of uses to support the existing stable area and by providing transit ridership along Woodbine Avenue and 16th Avenue.

The addition of residential uses to the site would not displace existing employment uses. Residential uses are compatible with existing residential uses to the north and east and complement existing employment, commercial and office uses in the area. The logical extension of residential uses south from the existing neighbourhood to Markland Street to the north would contribute to a complete community.

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PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT**1.0 THE AMENDMENT**

- 1.1** Section ___ of the Official Plan (2014) is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 9.4 of the Official Plan (2014) is hereby amended by the replacing text of subsection 9.4.7, with the following text and Figure No. 9.4.7 attached hereto. Subsection 9.4.7 shall only be replaced following removal of the applicable Holding Provision as outlined in Section 1.2 a) vii) of this Amendment

"9.4.7 Area and Specific Site and Policies

- a) 9390 Woodbine Avenue (King Square Phases 2, 3 and 4)
(Official Plan Amendment No. XXX)

Notwithstanding any other provisions of this plan to the contrary, certain lands designated Mixed Use Mid Rise, municipally known as 9390 Woodbine Avenue, King Square Phases 2, 3 and 4), and shown on Figure No. 9.4.7, shall be subject to the following policies:

i) Vision

1. The property known as 9390 Woodbine Avenue Is intended to become a vibrant, transit supportive and pedestrian friendly development within the Woodbine Avenue Corridor, consisting of high-density residential, hotel and retail uses contained within several buildings.
2. Densities will achieve, at a minimum, the relevant Regional and Provincial intensification targets, including, at full build-out, a minimum overall Floor Space Index (FSI) of 3.0 times the lot area for all uses combined.
3. Building height, form, placement and architectural design will complement the adjacent uses including the existing residential neighbourhood to the north and east, the existing office uses and proposed residential uses to the west and commercial uses to the east.

4. Building height, form, placement and architectural design will also be integrated with the Phase 1 development located immediately east of the site.
5. A new publicly accessible Civic Square will be provided with frontage on Markland Street and will connect to an internal courtyard to provide for pedestrian and cyclist interconnections throughout the site. A wide boulevard, or urban edge, will be provided along Markland Street and connects to the Civic Square to provide circulation through the block for residents, visitors, employees and the surrounding community.
6. The new publicly accessible Civic Square will become a gathering place and a setting for outdoor patios and community special events.
7. An internal driveway system will be established on the site and will provide for connections from Woodbine Avenue and Markland Street.
8. Vehicle parking will be provided below grade and accessed from the private internal driveway system.
9. Sustainable and environmentally responsible building design will be encouraged.
10. Grade related, pedestrian oriented retail and commercial uses will be located at grade along the Markland Street frontage.
11. Building heights will transition down from the Markland Street frontage towards the established residential neighborhood to the north. In this regard, building heights shall have regard to the angular plane measured from the south edge of the residential rear yards, and rising toward Markland Street from this point.

ii) General Land Use Structure

1. The general land use structure for the site will consist of a broad mix of uses including high density residential, retail, service commercial and hotel uses.
2. Medium density residential uses will be generally located in the northwest quadrant of the site and high density residential and hotel uses will be generally located along Markland Street, as shown on Figure No. 9.4.7.

3. Retail uses will be generally located within the base of the residential buildings along Markland Street and the internal driveway system.
4. A new publicly-accessible Civic Space will be located along the Markland Street frontage, west of the main driveway access, as indicated on Figure No. 9.4.7, and will connect with the internal courtyard and driveway system in order to provide for pedestrian and vehicle new movements.

iii) Land Use

1. The lands identified as "MIXED USE HIGH RISE" on Figure no. 9.4.7 may be zoned to permit the following additional uses:
 - a) RESIDENTIAL
 - apartment dwellings
 - seniors' residences
 - b) NON-RESIDENTIAL
 - hotel suites
 - outdoor special events
 - c) Underground parking garage structures shall be permitted anywhere on the lands identified on Figure No. 9.4.7.

iv) Open Space General Policies

1. A new publicly accessible Civic Space shall be created as part of the development of the site and will have frontage on Markland Street as depicted in Figure No. 9.4.7. The precise location and sizing of the Civic Space area will be determined through site plan approval.
2. The new Civic Space area is intended to act as passive open space for site and community residents, employees and visitors to the site.
3. Cafés, patios and other active uses will be permitted within the new Civic Space in order to animate the area and provide a safe, vibrant environment at all times of the day.

v) Urban Design Principles

In order to achieve the vision for the site of a vibrant, transit supportive and pedestrian friendly destination within the Woodbine Avenue Corridor the following general urban design principles will be adhered to:

General

1. Providing for building heights that will be compatible with and complement the adjacent uses of the site and densities that will support a vibrant street life and mix of uses;
2. Providing a transition of building heights and massing from the Markland Street frontage towards the established residential neighborhood to the north;
3. Allowing for creative flexibility to realize the diversity of architectural expressions including sustainable elements on the site;
4. Creating a dynamic pedestrian experience at street level; and
5. Encouraging a well integrated and mixed urban form.

Density

6. A maximum overall Floor Space Index (FSI) of 2.5 shall be permitted on the site for all uses.

Built Form

7. Built form will generally be comprised of mid- and high-rise podium buildings up to a height of 12 storeys (37.9 metres, excluding mechanical penthouse) that address the edges of the internal driveways and Markland Street, with tower buildings being located above the podium buildings with buildings of up to 30 storeys (92.3 metres, excluding mechanical penthouse,);
8. High-rise residential towers located above mid-rise podium buildings for Buildings A, B and C in Phases 3 and 4 shall have a maximum floor area of 750 square metres.

vi) Loading and Servicing Policies

1. Loading and servicing areas will be encouraged to locate internal to the buildings, if possible, and will otherwise be screened from public street view;

vii) Hold Provisions

In addition to any other applicable provisions, this Zoning By-law Amendment to remove the Hold 1 (H1), Hold 2 (H2) and Hold 3 (H3) symbols from the zoning designations on 9390 Woodbine Avenue shall

not be passed until the following conditions have been met to the satisfaction of the City of Markham and York Region, as applicable:

1. Conditions for Removing the Hold 1 (H1) Provision:

- Submission of Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- Execution of a Site Plan Agreement between the City of Markham and the Owner;
- Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;
- Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

2. Conditions for Removing the Hold 2 (H2) Provision:

- Removal of the Hold 1 (H1) provision on the site;
- Submission of updated Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- Execution of a Site Plan Agreement between the City of Markham and the Owner;
- Requiring a minimum of 8,930 square metres of gross floor area of non-residential uses contained in Building C as shown on Figure No. 9.4.7;
- Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution

equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;

- Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

3. Conditions for Removing the Hold 3 (H3) Provision:

- Removal of the Hold 2 (H2) provision on the site;
- Submission of updated Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- Execution of a Site Plan Agreement between the City of Markham and the Owner;
- Requiring a minimum of 1,460 square metres of gross floor area of non-residential uses contained in Buildings A and B, as shown on Figure No. 9.4.7;
- Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;
- Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a

resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

4. Effect of Lifting the Hold 1 (H1), Hold 2 (H2) and Hold 3 (H3) Provisions:

The effect of lifting the Hold 1 (H1), Hold 2 (H2) and Hold 3 (H3) Provisions shall be in accordance with the phasing plan approved by the City, and as set out in the implementing zoning bylaw".

1.3 Map 1 Markham Structure of the Official Plan (2014) is hereby amended by redesignating the subject lands, as shown on Schedule "A" attached hereto, from Employment Area (including Commercial Lands) to Mixed Use Neighbourhood Area.

1.4 Map 3 Land Use of the Official Plan (2014) is hereby amended by redesignating the subject lands, as shown on Schedule "B" attached hereto, from Commercial to Mixed Use High Rise.

1.5 No additional changes to the text of schedules of the Official Plan (2014) are being made by this Amendment.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, in conformity with the provisions of this Amendment.

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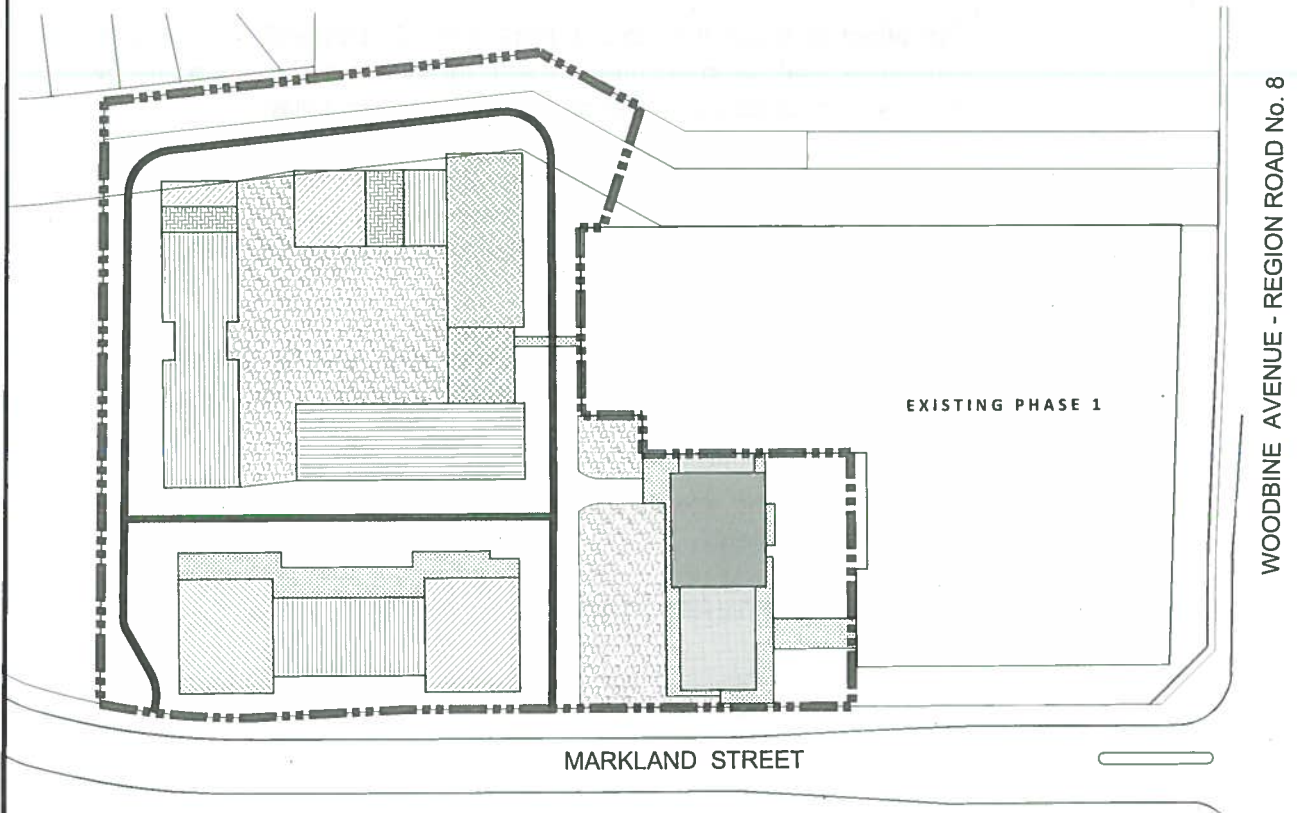


FIGURE No. 9.4.7

**AREA AND SPECIFIC SITE POLICIES
CITY OF MARKHAM OFFICIAL PLAN**

| | | | |
|---|------------------------|-----------------------|-----------------------|
| Boundary of Area Covered by this By-law | Max. Height 30 Storeys | Max. Height 8 Storeys | Max. Height 4 Storeys |
| Internal Driveway System | Max. Height 29 Storeys | Max. Height 7 Storeys | Max. Height 2 Storeys |
| Civic Space / Open Space | Max. Height 25 Storeys | Max. Height 6 Storeys | |
| | Max. Height 12 Storeys | Max. Height 5 Storeys | |





OP/ZA 14-129350

**APPENDIX D
DRAFT ZONING BY-LAW AMENDMENT**

(As prepared by the applicant and to be further reviewed by City Staff)

EXPLANATORY NOTE

BY-LAW NO. 2018-XXX

A By-law to amend By-law 2009-116, as amended

King Square Ltd.
9390 Woodbine Avenue

LANDS AFFECTED

This by-law applies to the Phase 2 King Square lands which comprise an approximate 2.55 hectare (6.3 acre) parcel of land on the north side of Markland Street, east of Woodbine Avenue. To the immediate east are the Phase 1 King Square lands.

EXISTING ZONING

The lands are zoned "Select Industrial with Limited Commercial (M.C)" by site-specific By-law 2009-116.

PURPOSE AND EFFECT OF THE BY -LAW

The purpose of this by-law amendment is to rezone the subject lands to the Community Amenity One (CA1) Zone to permit a high density, mixed use residential, retail and hotel development, which will be developed in three phases. The By-law applies site-specific zoning provisions for the CA1 zone, including site-specific permitted uses, height provisions, maximum floor areas and separation distances, maximum number of residential units and hotel suites and parking provisions. The zoning by-law incorporates a phasing plan for the proposed development, implemented through H1, H2 and H3 Holding Zone Provisions.

Specific conditions for removal of these holding provisions are set out in the By-law and relate to the following matters:

- Submission of Municipal Servicing and Transportation Impact Studies, and addenda thereto, to the satisfaction of the Director of Engineering in consultation with York Region;
- Execution of a Site Plan Agreement(s) between the City of Markham and the Owner;
- Provision for minimum gross floor areas of non-residential uses;
- Provision for execution of a Section 37 Agreement(s) between the City of Markham and the Owner;
- Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements; and
- Provision for confirmation of servicing capacity; and

DRAFT

- The removal of the previous Holding Provision(s).
-

BY-LAW 2018-XXX

A by-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY
ENACTS AS FOLLOWS:

1. That By-law 2009-116 is hereby amended as it applies to the lands outlined on Schedule "A" attached hereto as follows:

- 1.1 By rezoning the lands from the Select Industrial and Limited Commercial (M.C 107%) Zone to the Community Amenity Area One (Hold 1), Community Amenity Area (Hold 2) Zone and Community Amenity Area One (Hold 3) Zones.

2. Notwithstanding any other provision of By-law 2009-116, the provisions in this Section shall apply to only those lands denoted on Schedule "A" attached hereto. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the land subject to this Section.

2.1 Use Definitions

- a) "Outdoor Special Events" means an outdoor area used for temporary outdoor recreational events and temporary accessory structures that may occur on a regular weekly and/or seasonal basis.
3. The following provisions shall apply in the Community Amenity Area One (Hold 1) (CA1 (H1)), Community Amenity Area One (Hold Two) (CA1 (H2)) and Community Amenity Area One (Hold Three) (CA1 (H3)) Zones:

3.1 Additional Permitted Uses

- a) RESIDENTIAL
 - apartment dwellings
 - senior residences
 - b) NON-RESIDENTIAL
 - outdoor special events

3.2 Zone Standards

The following specific zone standards apply:

a) Floor Space Index

The maximum *Floor Space Index (FSI)* for all of the buildings on the lands delineated on Schedule "A" to this By-law shall not exceed 2.5. Notwithstanding the foregoing, the total *FSI* for all permitted residential uses combined shall not exceed 2.3. For the purposes of this By-law, only the following floor areas are exempted from the *FSI* calculation:

- car parking areas above or below grade;

- rooftop mechanical penthouses;
- storage lockers; and
- garbage/recycling, utility, mechanical and electrical rooms.

b) Height

The maximum height of any building or structure shall be shown on Schedule "B" to this By-law, measured to the highest point of the roof structure or the parapet, whichever is the greater.

Notwithstanding the above, any ornamental roof construction features shall not be included in the calculation height. Mechanical features, including their screening, and structures containing equipment necessary to control an elevator, are permitted to project maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.

c) Maximum permitted projections

Notwithstanding the foregoing, encroachments into the permitted yard setbacks shall be as follows:

| STRUCTURE | MAXIMUM PERMITTED PROJECTION |
|---|---|
| Eaves, cornices, ornamental architectural elements, parapets, trellises, window sills, guardrails, light fixtures, lightning rods, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ventilating equipment, window washing equipment window sills, guardrails, landscape and green roof elements, partitions dividing outdoor recreation areas, wind mitigation, noise mitigation, chimney stack, exhaust flues, garbage chute overrun, and public art elements; | Maximum projection of 0.3 metres into the required yard setback |
| Canopies and awnings | Maximum projection of 2.5 metres into the required yard setback |

d) Minimum Floor Plate Sizes

The maximum floor plate sizes for the tower components of Buildings A, B and C in Phase 3 and 4 shall be 740 square metres.

e) Minimum Separation Distances

The minimum separation distance between portions of buildings shall not exceed the dimensions shown on Schedule "B" of this By-law.

f) Maximum number of dwelling units:

The maximum number of *dwelling units* permitted is 1,070, which includes 190 senior residences.

g) Maximum number of hotel suites:

The maximum number of *hotel suites* permitted is 150.

h) Minimum gross floor area for non-residential uses:

The minimum *gross floor area* for non-residential uses shall be no less than 10,450 square metres, of which no less than 8,940 square metres shall be for a hotel use, including a restaurant contained in a hotel.

3.3 Special Parking Provisions

- a) A minimum number of parking spaces are required for all of the uses permitted as set out below:

| USE | MINIMUM PARKING SPACES REQUIRED |
|---------------------------|--|
| <i>Apartment dwelling</i> | 1.07 <i>parking spaces per dwelling unit</i> |
| <i>Seniors' residence</i> | 0.5 <i>parking spaces per dwelling unit</i> |
| <i>Hotel</i> | 0.85 <i>parking spaces per dwelling unit</i> |

- b) Visitor parking required for *apartment dwelling* units, seniors' residences, retail and restaurant uses are permitted to be shared with the parking provided in Phase 1 of the development which is located to the immediate east and as depicted on Schedule 'A' of this By-law.

4. Holding Provisions**4.1 Location of H1, H2 and H3 Zones**

The Hold 1 (H1), Hold 2 (H2) and Hold 3(H3) zones are shown on Schedule "A" attached to this By-law.

4.2 Uses Permitted Prior to the Lifting of a Holding Provision

Only the uses and floor area that existed on the effective date of this By-law are permitted prior to the removal of the Holding Provision.

4.3 Conditions for Removing the Hold 1 (H1) Provision

The Hold 1 (H1) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- i) Submission of Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- ii) Execution of a Site Plan Agreement between the City of Markham and the Owner;
- iii) Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;

- iv) Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- v) The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

4.4 Effect of Lifting the Hold 1 (H1) Provision

That the lifting of the Hold (H1) provision has the effect of:

- i) Only permitting a maximum of 347 *dwelling units* on all of the lands subject to this By-law;
- ii) Permitting construction of all structures below grade.

4.3 Conditions for Removing the Hold 2 (H2) Provision

The Hold 2 (H2) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- vi) Submission of updated Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- vii) Execution of a Site Plan Agreement between the City of Markham and the Owner;
- viii) requiring a minimum of 8,930 square metres of gross floor area of non-residential uses contained in Building C as shown on Figure No. 9.4.7;
- ix) Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;
- x) Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- xi) The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

4.4 Effect of Lifting the Hold 2 (H2) Provision

That the lifting of the Hold 2 (H2) provision has the effect of:

- i) Only permitting a maximum of 577 *dwelling units* on Phases 2 and 3 of the lands subject to this By-law;
- ii) Only permitting a maximum of 150 *hotel suites* on all of the lands subject to this By-law;
- iii) Permitting the construction of Buildings A, B and C of Phase 2 in their entirety to maximum heights as shown on Schedule "B" attached to this By-law.

4.5 Conditions for Removing the Hold 3 (H3) Provision

The Hold 3 (H3) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- i) Removal of the Hold 1 (H1) and Hold 2 (H2) provisions on the site;
- ii) Submission of updated Municipal Servicing and Transportation Impact Studies to the satisfaction of the Director of Engineering in consultation with York Region;
- iii) Execution of a Site Plan Agreement between the City of Markham and the Owner;
- iv) Requiring a minimum of 1,460 square meters of gross floor area of non-residential uses contained in Buildings A and B of Phase 4 as shown on Figure No. 9.4.7;
- v) Execution of a Section 37 Agreement between the City and the Owner regarding a financial or in-kind contribution equivalent to \$_____ for the provision of community services, to be paid at issuance of the first residential building permit, to the satisfaction of the City;
- vi) Execution of one or more Development Agreement(s) between the City the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation for structure improvements, and, if required by the City and/or York Region, streetscape improvements to Markland Street; and
- vii) The City, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

4.6 Effect of Lifting the Hold 3 (H3) Provision

That the lifting of the Hold (H3) provision has the effect of:

- i) Permitting the construction of Building C of Phase 3 in its entirety to a maximum height as shown on Schedule "B" attached to this By-law; and

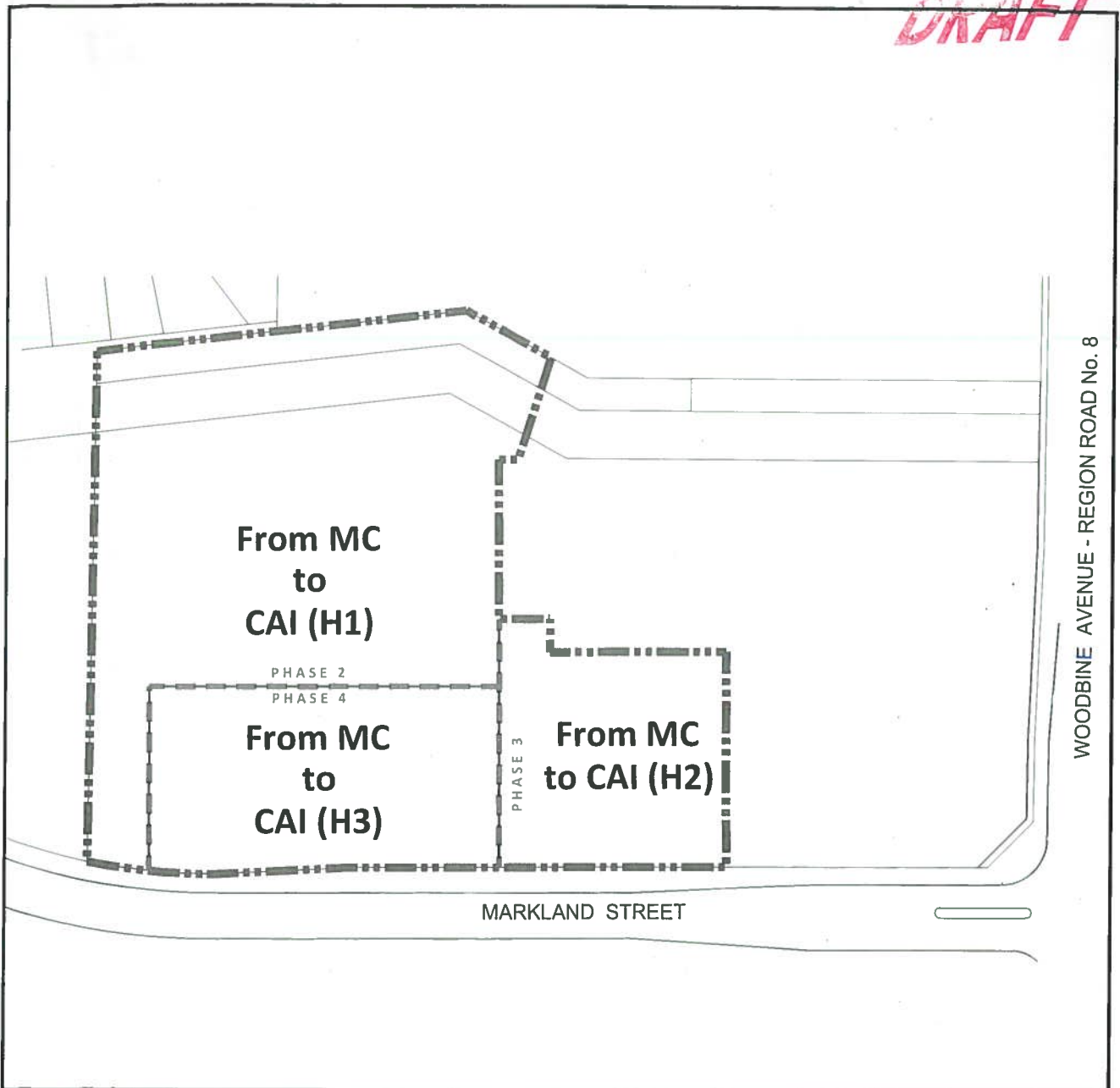
- ii) Only permitting a maximum of 570 *units*, comprised of 380 *dwelling units* and 190 seniors' residences, beyond the maximum permitted as a consequence of lifting the Hold 2 (H2) provision.
- 5. All other provisions of By-law 2009-116 not consistent with the provisions of this By-law shall continue to apply.
- 6. The lands shown on Schedule "A" shall be treated as one *lot* for the purposes of this By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS _____ DAY OF _____, 2018.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

DRAFT



A BY-LAW TO AMEND BY-LAW 2009-116

--- Boundary of Area Covered by this By-law
--- Zone Boundary

CA1 Community Amenity One

H1 Holding Provision One

MC Select Industrial & Limited Commercial

H2 Holding Provision Two

THIS IS SCHEDULE "A" TO BY-LAW 2009-116

Approved by : _____

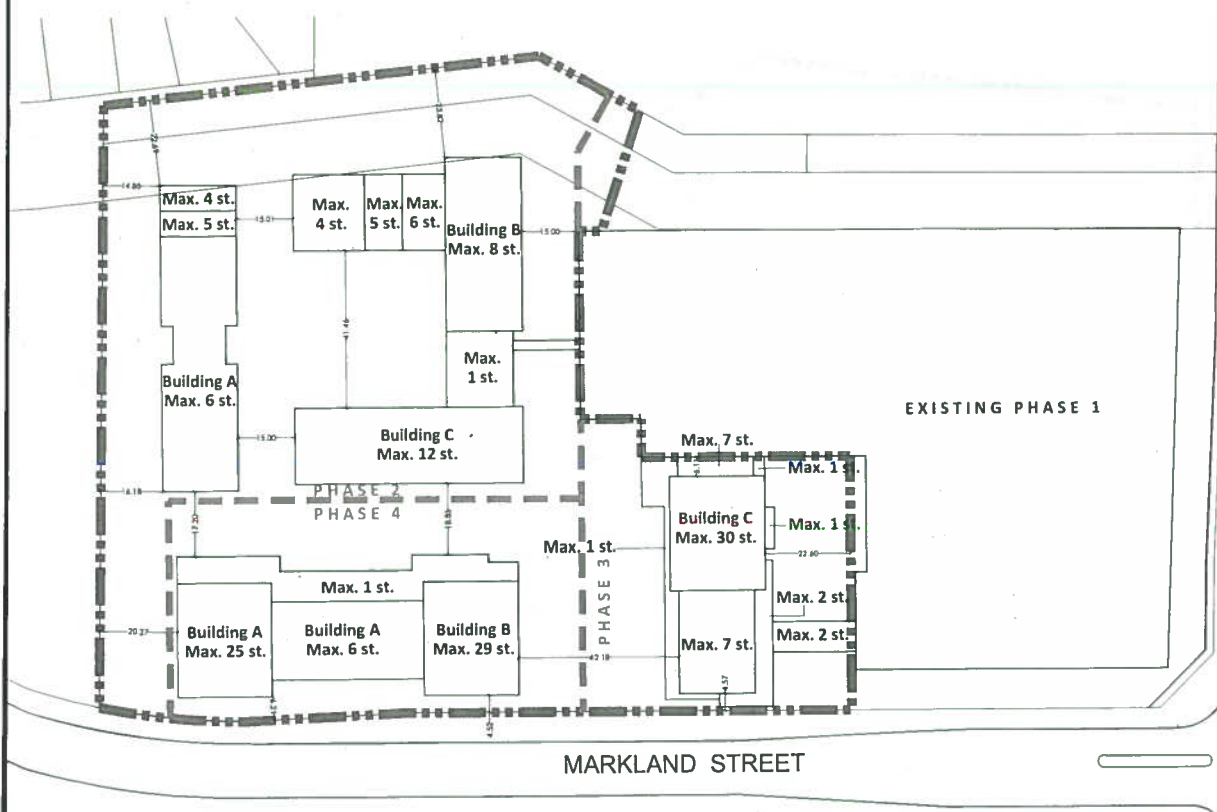
Date : _____

NOTE : 1) Dimensions are in metres
2) Reference should be made to the original by-law lodged in the Office of the Clerk



Not to Scale

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A BY-LAW TO AMEND BY-LAW 2009-116

--- Boundary of Area Covered by this By-law

THIS IS SCHEDULE "B" TO BY-LAW 2009-116

Approved by : _____

Date : _____

- NOTE : 1) Dimensions are in metres
2) Reference should be made to the original by-law lodged in the Office of the Clerk



Not to Scale